HIGH COURT OF UTTARANCHAL AT-NAINITAL.

Writ Petition No. 1605(S/S) 2005

Yograj Singh S/o Sri ram Charan
Asstt. Teacher,
Primary School, Devdwar, Ramgarh,
District Nainital. …..Petitioner.

Vs.

1. Joint Director of Education, Nainital,
2. Basic Shiksha Adhikari, Udham Singh Nagar,
3. Basic Shiksha Adhikari, Nainital. ……Respondents.

Sri S.S. Yadav, learned counsel for the petitioners,
Learned standing counsel for the petitioners.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Yadav, learned counsel for the petitioners learned Standing Counsel for the respondents/State.

By means of this petition, the petitioner who is Assistant Teacher in primary School, Devdwar, Ramgarh district Nainital, has prayed for a writ, order or direction in the nature of mandamus directing respondents to relieve the petitioner for district Udham Singh Nagar from district Nainital on the vacant post of Assistant Teacher.

Contention of petitioner is that the petitioner was appointed as Assistant Teacher in Primary School, Devdar, Ramgarh, district Nainital. In the year 1995 as new district, namely, Udham Singh Nagar was bifurcated from district Nainital. At the time of bifurcation, the petitioner was teaching in district Nainital, therefore, option was invited from the petitioner and he has opted for district Udham Singh Nagar. The respondents have prepared a list in which name of the petitioner did not find place. The petitioner has made representation before the authority concerned to relieve him for the district he has opted. Till date, the respondents have not taken any decision on the representation and he is not being relieved to district Udham Singh Nagar.

In view of the aforesaid facts, I direct the Joint Director of Education (Basic) Kumaon Division, Nainital, if he is holding the charge of Basic Schools and in case he is not holding the charge of the basic Schools, the authority who is In-charge of the Basic schools of the Region, shall decide the representation moved by the petitioner within a period of four weeks from the date of receipt of a certified copy of this order. The petition is directed to place the copy of this order alongwith his representation before the Joint Director of Education Basic Kumaon Region, Nainital/In-charge Regional Basic Schools within two weeks from today.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

October 28, 2005:
SKS